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THIRD REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 955 (1994)

I. INTRODUCTION

1. In paragraph 5 of resolution 955 (1994) of 8 November 1994, I was asked to report periodically to the Security Council on the implementation of the resolution establishing the International Tribunal for Rwanda. In my first report on 13 February 1995 (S/1995/134), I informed the Council of the steps envisaged for the practical implementation of the resolution and made my recommendation that Arusha, United Republic of Tanzania, should be selected as the seat of the Tribunal. In my second report on 30 June 1995 (S/1995/533), I provided updated information regarding the arrangements made for the seat of the Tribunal at Arusha, and set out the status as regards the financing of the Tribunal. In the present report, it is my intention to brief the Council on the progress made regarding the practical and legal arrangements for the seat of the Tribunal, its financing, the status of contributions in funds and personnel and the activities of its various organs.

II. ARRANGEMENTS CONCERNING THE SEAT AND PREMISES OF THE TRIBUNAL

2. As indicated in my last report (S/1995/533), a number of issues remained to be resolved in the headquarters agreement for the seat of the Tribunal between the United Nations and the Government of the United Republic of Tanzania. Following discussions held in New York between the Office of Legal Affairs of the Secretariat and the Permanent Representative of the United Republic of Tanzania to the United Nations, the parties are considering including in a side exchange of letters their understanding regarding the interpretation and implementation of certain provisions of the agreement. Pending a final reaction from the Government of the United Republic of Tanzania, it is expected that the headquarters agreement between the United Nations and the Government will be signed shortly.

3. Given the institutional links between the International Tribunal for Rwanda and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory

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of the Former Yugoslavia since 1991 (i.e., a common Appeals Chamber and a common Prosecutor), it is envisaged that certain activities and proceedings of the Rwanda Tribunal will be undertaken at The Hague from time to time. In order to facilitate such activities and proceedings of the Tribunal, a draft exchange of letters has been submitted to the Netherlands authorities whereby the pertinent provisions of the agreement between the United Nations and the Netherlands concerning the Yugoslav Tribunal were made applicable to activities and proceedings of the Rwanda Tribunal in the territory of the Netherlands. In that connection, there would be a small liaison office for the Rwanda Tribunal at The Hague, staffed by one Professional and one or two secretariat support staff. Occasionally, the Deputy Prosecutor would also visit The Hague for consultations, together with collaborators from Kigali, as appropriate. Otherwise, I have jointly with the Prosecutor taken the position that investigations should be conducted from the Prosecutor's office at Kigali and at Arusha, when the latter becomes operational.

4. In order to speed up the conclusion of the lease arrangements for the premises of the Tribunal and the necessary reconstruction works at the Arusha International Conference Centre, a task force has been established to oversee the lease arrangements and the processes of contracting, reconstruction and procurement. The phased-in approach adopted to the establishment of the Tribunal would enable it to commence its operation later in 1995.

III. FINANCING

5. In its resolution 49/251 of 20 July 1995, the General Assembly established the mode of financing of the Tribunal. The Assembly adopted a $13.5 million budget for the Tribunal for the period ending 31 October 1995, and as an ad hoc and exceptional arrangement, decided to split the $13.5 million between the regular budget and the peace-keeping special account assessment. It also specifically authorized me to make the necessary arrangements, including the signing of a lease agreement and construction contracts for the premises of the Tribunal and granting of contracts of up to 12 months for its staff, to ensure that it is provided with adequate facilities and necessary staff resources. With the approval of the budget by the General Assembly in July 1995, the Tribunal has now a sound financial basis that will enable it to enter into long-term financial and other commitments, including construction works and recruitment of staff.

6. In addition to the funds available in the budget, a total amount of $6.3 million worth of cash contributions and pledges is now available in the Voluntary Fund to Support the Activities of the Tribunal.

7. As for contributions in kind, certain countries have donated the services of qualified personnel to the Tribunal to assist in the work of the Prosecutor or the Registrar, as the case may be. An agreement for the contribution of personnel to the Tribunal has been signed with the United Kingdom of Great Britain and Northern Ireland. Similar agreements are currently being negotiated with Canada, Denmark, the Netherlands, Norway, Switzerland and the United States of America and with one non-governmental organization.

IV. THE TRIBUNAL

A. The judges

8. On 30 June 1995, the judges of the Tribunal adopted the rules of procedure and evidence in accordance with article 14 of the Statute. Judges were assigned to the two Trial Chambers and a list of assignment of judges for review of indictments for the months of October to December 1995 was established. Having thus completed the agenda of their first meeting, the judges are now prepared to serve on the Tribunal on short notice as soon as the first indictment is presented.

B. The Registry

9. I am currently consulting with the President of the Tribunal in accordance with article 16 of the Statute in order to be able to appoint the Registrar. It is my hope that the Registrar can be appointed within the next few days.

C. Staffing of the Tribunal

10. With respect to staffing, the situation is currently as follows. A total of 18 Professional staff are working for the Tribunal, including the Prosecutor in The Hague. The Office of the Prosecutor at Kigali is staffed by the Deputy Prosecutor and 10 Investigators/Legal Officers. In addition, the Liaison Officer attached to the Prosecutor's Office at The Hague frequently travels to Kigali in the performance of his functions. Seven investigators are personnel contributed by Member States. The Administrative Office of the Registry is staffed by an Acting Chief of Administration, a Procurement Officer and two Administrative Assistants. It should be noted that seven additional candidates have accepted offers of appointments and will travel to Kigali as soon as they are medically cleared and their travel documents processed, and that offers of appointments will be sent to another nine candidates in the next few days. Additionally, approximately 40 personnel contributed by Member States are expected to arrive during the next three months.

D. Ongoing investigations

11. As far as the ongoing investigations are concerned, the Prosecutor has informed me that in view of the current staffing levels, present inquiries centre around a small number of individuals who are suspected of being principally responsible for the planning, incitement or commission of crimes. The investigators are assessing and analysing a large volume of material that has been collected by the Tribunal and other bodies during the past months. Additionally, witnesses are being interviewed on the African, European and North American continents. Pending the full development of the Arusha site with air-conditioned facilities for the computer equipment, the Prosecutor has indicated that in order to continue to meet his goal of the first indictments being issued later in 1995, a small Documents Processing Centre, using the premises identified above, will be established on a temporary basis at

The Hague. The Prosecutor has informed me that neither his own investigations nor the information made available to him by the Rwandan authorities have so far served to identify suspects appropriate for investigation by him amongst persons currently being held in Rwandan prisons. The first indictments are still expected before the end of 1995.

12. Next week the President of the Tribunal and the Prosecutor will travel together to Kigali and Arusha. They will meet with representatives of the Government of Rwanda, with my Special Representative there and with the Deputy Prosecutor to discuss various questions concerning the establishment of the Tribunal. They will also consult among themselves on the work programme for investigations, the preparation of indictments and the holding of trials. At Arusha, they will meet with representatives of the International Conference Centre and see the premises to be used by the Tribunal.